

DOP-A-007 Revision: B

Dryden Organizational Procedure

CODE A

PREPARATION OF SOLICITATIONS AND CONTRACTS

Electronically Approved by: Chief, Acquisition Management Office

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Dryden Organizational Procedure				
Code A				
Preparation of DOP-A-007 Revision: B				
Solicitations and Contracts Page 1 of 6				

DOCUMENT HISTORY PAGE

This page if for informational purposes and does not need to be retained with the document.

DATE APPROVED	ISSUE	PAGE	AMENDMENT DETAILS
11-3-98	Baseline		
2-23-99	Revision A		Added signature block to cover page. Reformatted numbering sequence throughout document. Changed #6 heading to MAMAGEMENT SYSTEM RECORDS and reworded the sentence that follows.
See IDMS Document Master List	Revision B	1,3,6	Added to Section 3 and subdivided it into three parts. Deleted instructions related to center-generated provisions or clauses. Added to Section 4. Revised this Document History Page.

Dryden Organizational Procedure				
Code A				
Preparation of DOP-A-007 Revision: B				
Solicitations and Contracts Page 2 of 6				

PREPARATION OF SOLICITATIONS AND CONTRACTS

1. PURPOSE

This procedure provides the guidelines and requirements for preparing solicitations and contracts.

2. APPLICABLE DOCUMENTS

FAR Subpart 1.3	Agency Acquisition Regulations
NFS Subpart 1801.3	Agency Acquisition Regulations
FAR Subpart 5.1	Dissemination of Information
NFS Subpart 1805.1	Dissemination of Information
FAR Part 12	Acquisition of Commercial Items
NFS Part 1812	Acquisition of Commercial Items
FAR Part 13	Simplified Acquisition Procedures
NFS Part 1813	Simplified Acquisition Procedures
FAR Part 14	Sealed Bidding
NFS Part 1814	Sealed Bidding
FAR Part 15	Contracting by Negotiation
NFS Part 1815	Contracting by Negotiation
FAR Part 52	Solicitation Provisions and Contract Clauses
NFS Part 1852	Solicitation Provisions and Contract Clauses
NFS Part 1871	Midrange Procurement Procedures
DOP-A-003	Review and Execution of Procurement Documents
DPD 5101.1	Legal Review of Acquisition Matters

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Dryden Organizational Procedure Code A					
Preparation of DOP-A-007 Revision: B					
Solicitations and Contracts Page 3 of 6					

3. INSTRUCTIONS

3.1 General

Solicitations and contracts shall be prepared in accordance with the FAR and NFS following guidance formats and samples posted on the procurement XAA drive of the DFRC server. The formats are to be tailored for each acquisition. Depending upon the circumstances of the acquisition, the contract specialist may combine several formats to prepare the solicitation/contract. FAR/NFS provisions and clauses may be added or deleted in accordance with their prescriptions and the requirements of the procurement. The Electronic Posting System (EPS) shall be used in preparing a combination synopsis/solicitation and for posting synopses and solicitations to the NASA Acquisition Internet Service (NAIS) and posting synopses to the Commerce Business Daily network (CBD).

3.2 Solicitations

- a. The Contracting Officer (CO) develops and releases the solicitation. The type of solicitation depends on:
 - the product or service required,
 - the estimated dollar value of the requirement,
 - the method of evaluating offers,
 - commerciality determination,
 - the method of acquisition,
 - type of contract anticipated, and
 - other considerations.

Regardless of the method of acquisition, the solicitation will typically have the following basic parts in common:

- A Contract Schedule (i.e., the requirement).
- Contract Clauses.
- List of Documents and Attachments.
- Representations and Instructions (i.e., solicitation provisions).

Selection of the correct format for the solicitation will depend upon the method of procurement. The following table provides the various dollar value ranges and identifies the acquisition methods available for use in each range. Further, the table specifies basic synopsis, solicitation, and award document requirements for each acquisition method.

Dryden Organizational Procedure				
Code A				
Preparation of DOP-A-007 Revision: B				
Solicitations and Contracts Page 4 of 6				

						Syno	psize			Award	
	Dollar Value	Procurement Procedure	FAR Ref.	NFS Ref.	CCI (1)	NAIS	CBD	Solicitation	Credit Card	Purchase Order	Contract
	\$2,500 & Less	Micro- Purchase	13.2					Oral Quotes	X	X	
	\$2,500 to \$25K	Simplified Acquisition	13	1813				Oral Quotes	X	X	
IAI	\$2,500 to \$25K	Simplified Acquisition	5.1 & 13	1813				Paper RFQ (2)	X	X	
NONCOMMERCIAL	\$25K to \$100K	Simplified Acquisition	5.2 & 13	1804.570-2 & 1813		X	X	RFQ on NAIS		X	
M	\$100K to \$10M*	Midrange	5.2	1871	X	X	X	RFO on NAIS			X
ΛCC	\$10M & Above	Sealed Bidding	5.2, 6.4 & 14	1814	X	X	X	IFB on NAIS			X
ζΟ	\$10M & Above	Contracting by Negotiation	5.2, 6.4 & 15	1815	X	X	X	RFP on NAIS			X
ľ	\$50M & Above	Source Evaluation Board	5.2 & 15	1815.370	X	X	X	RFP on NAIS			X
	\$2,500 to \$25K	Simplified Acquisition	12 & 13	1812 & 1813				Oral Quotes	X	X	
	\$2,500 to \$25K	Simplified Acquisition	12 & 13	1812 & 1813				Paper RFQ (2)	X	X	
	\$25K to \$100K	Simplified Acquisition	5.2, 12.6, & 13	1812 & 1813		X	X	Combined Synopsis/RFQ on NAIS & CBD		X	
	\$25K to \$100K	Simplified Acquisition	5.2, 12 & 13	1804.570-2, 1812 & 1813		X	X	RFQ on NAIS		X	
RCIAL	\$100K to \$5M	Test SAP	5.2, 12, 13.1, 13.3 & 13.5	1812, 1813 & 1871	X	X	X	RFO on NAIS			X
COMMERCIAL	\$100K to \$5M	Test SAP	5.2, 12.6, 13.1, 13.3 & 13.5	1812, 1813 & 1871	X	X	X	Combined Synopsis/RFO on NAIS & CBD			X
	\$5M to \$25M (3)	Midrange	5.2	1871	X	X	X	RFO on NAIS			X
	\$5M to \$25M (3)	Midrange	5.2 & 12.6	1871	X	X	X	Combined Synopsis/RFO on NAIS & CBD			X
	\$25M & Above	Sealed Bidding	5.2, 6.4 & 14	1814	X	X	X	IFB on NAIS			X
	\$25M & Above	Contracting by Negotiation	5.2, 6.4 & 15	1815	X	X	X	RFP on NAIS			X
	\$50M & Above	Source Evaluation Board	5.2 & 15	1815.370	X	X	X	RFP on NAIS			X

^{*-} Including Options (See NFS 1871.102(a))

- b. The CO identifies, completes and incorporates all required FAR/NFS clauses and provisions that apply to the acquisition based on previous decisions in the acquisition process and the FAR/NFS matrices. The FAR/NFS matrices, solicitation provisions and contract clauses are found in Part 52 of the FAR and NFS. Besides the required provisions and clauses, the CO selects the optional clauses that optimize the expected outcome of the acquisition. The CO will also determine which provisions and clauses must be referenced and which must appear in full text in the solicitation document. Some provisions and clauses presented in the available approaches require verbatim use while others allow or require tailoring for the specific requirement. The CO must carefully consider all of the above options and issues in developing and documenting the final solicitation document.
- c. For solicitations of commercial items, the CO should only incorporate provisions and clauses that are consistent with customary commercial practices for the market. However, the CO shall not tailor any clause that implements statutory requirements regardless of the commercial practice (See FAR 12.301(a)).

⁽¹⁾ Per NFS 1807.70 and the Consolidated Contracting Initiative Guide on the Internet.

⁽²⁾ Post (either electronically or in a public place) notice of proposed acquisitions between \$10,000 and \$25,000. (See FAR 5.101(a)(2))

⁽³⁾ Midrange procedures may be used for commercial acquisitions above \$25M at the Center's discretion. (See NFS 1871.102(a))

Dryden Organizational Procedure					
Code A					
Preparation of DOP-A-007 Revision: B					
Solicitations and Contracts Page 5 of 6					

d. The CO may develop a unique provision or clause for use on a one-time basis when it does not conflict with or duplicate an existing numbered provision/clause or other regulatory requirement.

3.3 Contract

Upon selection of a contractor(s) for award, the CO prepares the award document (Purchase Order or Contract). The CO formulates the award document to include the elements of the solicitation, the amendments thereto, and the quotation/bid/final offer, as negotiated. The award document shall contain all the elements of a legal contract which include:

- Capacity
- Offer
- Consideration
- Acceptance (Not applicable to purchase orders since that is up to the vendor)
- Certainty of Terms
- Lawful Purpose

Purchase Orders are prepared on a DFRC Form 31. For contracts, the FAR and NFS prescribes the appropriate format to use as shown in the following table:

Acquisition Method	Acquisition of Commercial Items	Midrange Procurement	Sealed Bidding	Contracting by Negotiation
Contract Format	Commercial Acquisition Format	No Required Uniform Format	Uniform Contract Format (UCF) Table 14-1	Uniform Contract Format (UCF) Table 15-1
FAR Reference	12.303	1871.104(f)	14.201-1	15.204
Solicitation/ Contract Form	SF 1449 Solicitation/Contract/ Order for Commercial Items	NF 1667 Request for Offer NF 1668 Contract	SF 26 Award/Contract SF 33 Solicitation, Offer, and Award SF 1447 Solicitation/Contract	SF 33 Solicitation, Offer, and Award OF 308 Solicitation and Offer-Negotiated Acquisition

Construction and Architect-Engineer contracts shall follow the requirements of FAR Part 36. The CO will establish an effective date and obtain from the contractor any outstanding certificates or representations required before award. The contract or purchase order file should contain all the essential documentation to the point of award. The CO is responsible for assuring the completeness and orderliness of the contract file. FAR Subpart 4.8 and NFS Subpart 1804.8 provide in-depth instructions on the content of contract files. The NF 1098, *Checklist for Contract Award File Content*, shall be used for all acquisitions exceeding the Simplified Acquisition Threshold (SAT).

Dryden Organizational Procedure					
Code A					
Preparation of DOP-A-007 Revision: B					
Solicitations and Contracts Page 6 of 6					

4. REVIEW AND APPROVAL

Before the issuance of a solicitation or award, the CO shall obtain the necessary concurrence from management, technical and the requiring activity. All solicitations above the SAT require an Acquisition Plan approved by the Procurement Officer or designee prior to contact(s) outside of the Acquisition Management Office. The review and approval of solicitations and contracts shall be in accordance with DOP-A-003. Because solicitations and contracts are legal instruments, the CO will obtain legal review and approval in accordance with DPD 5101.1, Legal Review of Acquisition Matters.

5. MANAGEMENT SYSTEM RECORDS

Management System Records are maintained in the Acquisition Management Office.